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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,075	10/19/2000	Ken Harris		6304

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CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

EXAMINER

ANGEBRANNDT, MARTIN J

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 03/13/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/692,075

Applicant(s)

HARRIS, KEN

Examiner

Martin J Angebranndt

Art Unit

1756

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 28 February 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____


3. ☒ Applicant's reply has overcome the following rejection(s): rejections over claims 3,14,26.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1,2,4-6,8-13,15-19,22-24,26 and 28-30.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Martin J Angebranndt
Primary Examiner
Art Unit: 1756

Continuation of 5. does NOT place the application in condition for allowance because: The issue of seamlessness is described only with respect to the roller embodiments and the examiner when interpreting the conflicting positions of the applicant, particularly the efforts to distinguish over the IBM Tech. Discl. document, which is a single layer without seams read the claims as including that limitation and for this reason holds that claim 24 is not further limiting. The problem of seams is only described in the specification as an issue with rollers/cylinders. Holding that the claims applies to flat surfaces may obviate a possible doctrine of equivalence problem for the applicant, but if read in that manner, then the rejection of paragraph 7 of the first office action would still be applicable. There no doubt that the applicant is enabled for flat surfaces, but the breadth of the claims is held by the examiner to exclude these species. The ability of seamlessly apply and pattern a photoresist layer is clearly taught by McGrew and the applicant's invention is actually renders obvious by the intermediate product of McGrew, prior to the etching of the cylinder/mandrel to allow for embossing of harder materials. The polyimide of the IBM Tech. Discl. teaches either wet or dry processing and merely the possibility of either offers an advantage in flexibility, but the reduced use of solvents when dry processing is clearly set forth. The examiner points out that after exposure and processing, the polyimide is a textured polyimide film without any residual traces of if it was positive or negative acting and the applicant bears the burden of showing that the processed non-photosensitive polyimide of the product by process bears any trace of being positively imaged (MPEP 2113) The polyimides of Mueller et al. or Sassumannahausen et al. are positive acting and related to the claimed subject matter at hand due to the disclosure of printing plates. The seamless issue and its advantages are disclosed in Fan et al. The examiner notes that the process claims do not include positive acting as a limitation. (see interview summary) The examiner notes that Shvartsman '689 teaches embossing with a resist material and the applicant has not show any benefit in the resultant article when polyimide is used or any benefit not already recognized with respect to the process (dry development is well appreciated). The motivations for the secondary references are of record and stands on that basis.

mf
3/12/08